The Schumer SPAM Act
– Stop Pornography and Abusive Marketing –

Senator Charles Schumer has introduced the Stop Pornography and Abusive Marketing (SPAM) Act to combat the mounting toll unsolicited commercial e-mail, commonly known as "spam," has taken on the Internet, businesses and e-mail users. The Schumer bill, S. 1231, is a comprehensive effort to address the technical problems associated with stopping spam, providing effective enforcement mechanisms to end the fraud and harassment perpetrated by junk e-mailers, and constitutes an important step in returning control over e-mail in-boxes to users. The SPAM Act will use six mechanisms to accomplish this goal:

Create a National No-Spam Registry
Maintained by the Federal Trade Commission (FTC), the No-Spam registry will be a database of e-mail addresses for people who have "opted out" of receiving spam. Parents will have the option of putting their children's email addresses in the registry with a special designation to ensure that adult content does not reach their child's inbox. Anyone who sends spam to these addresses will be subject to stiff fines. The database will be protected by military-caliber encryption to ensure the protection of its contents.

Require ADV Labeling
E-mail marketers will be required by law to include "ADV " in the e-mail subject line of marketing e-mail, permitting Internet Service Providers (ISPs), employers and individual users to filter spam from business and personal email. Legitimate marketers who comply with the highest electronic mail standards will be designated as trusted senders, relieving them of the need to comply with this requirement.

Prevent E-mail Fraud
According to an FTC report, 66% of spam contains false, misleading or deceptive information. The bill requires e-mail subject headings, header and router information of all commercial e-mail to accurately reflect its source and contents.

Provide an Opportunity to Unsubscribe
The bill will require all commercial e-mail to provide recipients with an opportunity to decline any future e-mail from that sender. The notice and opportunity to unsubscribe must be functional, clear and conspicuous so recipients can fully exercise this choice.

Prohibit Harvesting of E-mail Addresses and Dictionary Attacks
The bill will also prevent spammers from assembling e-mail lists through the practice of address "harvesting" carried out by software known as spam "bots" that mine web sites, chat rooms, news groups and other internet fora for publicly displayed e-mail addresses. It will also ban unsolicited e-mail sent by dictionary attacks, a practice that generates e-mail addresses by the random compilation of names and numbers.

Improve Enforcement and Increase Penalties
The Schumer SPAM Act will enhance the FTC's anti-spam efforts by giving the Commission additional resources and tools to find and prosecute spammers. It will permit state attorneys general, ISPs and e-mail recipients who are harmed by spam to file civil suits against spammers themselves.